



February 19, 2016

**ENGROSSED
HOUSE BILL No. 1264**

DIGEST OF HB 1264 (Updated February 17, 2016 1:15 pm - DI 104)

Citations Affected: IC 34-6; IC 34-30.

Synopsis: Provider organizations and peer review. Adds a provider organization to the definition of "professional health care provider" for purposes of inclusion in the peer review committee statute.

Effective: July 1, 2016.

**Kirchhofer, Forestal, Ellington,
Frye R**

(SENATE SPONSORS — MILLER PATRICIA, CRIDER)

January 11, 2016, read first time and referred to Committee on Public Health.
January 21, 2016, reported — Do Pass.
January 25, 2016, read second time, ordered engrossed.
January 26, 2016, engrossed. Read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Health & Provider Services.
February 18, 2016, amended, reported favorably — Do Pass.

EH 1264—LS 6724/DI 77



February 19, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1264

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-6-2-117, AS AMENDED BY P.L.29-2013,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 117. "Professional health care provider", for
4 purposes of IC 34-30-15, means:
5 (1) a physician licensed under IC 25-22.5;
6 (2) a dentist licensed under IC 25-14;
7 (3) a hospital licensed under IC 16-21;
8 (4) a podiatrist licensed under IC 25-29;
9 (5) a chiropractor licensed under IC 25-10;
10 (6) an optometrist licensed under IC 25-24;
11 (7) a psychologist licensed under IC 25-33;
12 (8) a pharmacist licensed under IC 25-26;
13 (9) a health facility licensed under IC 16-28-2;
14 (10) a registered or licensed practical nurse licensed under
15 IC 25-23;
16 (11) a physical therapist licensed under IC 25-27;
17 (12) a home health agency licensed under IC 16-27-1;

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- 1 (13) a community mental health center (as defined in
2 IC 12-7-2-38);
- 3 (14) a health care organization whose members, shareholders,
4 subsidiaries, affiliates, or partners are:
- 5 (A) professional health care providers described in
6 subdivisions (1) through (13);
- 7 (B) professional corporations comprised of health care
8 professionals (as defined in IC 23-1.5-1-8); or
- 9 (C) professional health care providers described in
10 subdivisions (1) through (13) and professional corporations
11 comprised of persons described in subdivisions (1) through
12 (13);
- 13 (15) a private psychiatric hospital licensed under IC 12-25;
- 14 (16) a preferred provider organization (including a preferred
15 provider arrangement or reimbursement agreement under
16 IC 27-8-11);
- 17 (17) a health maintenance organization (as defined in
18 IC 27-13-1-19) or a limited service health maintenance
19 organization (as defined in IC 27-13-34-4);
- 20 (18) a respiratory care practitioner licensed under IC 25-34.5;
- 21 (19) an occupational therapist licensed under IC 25-23.5;
- 22 (20) a state institution (as defined in IC 12-7-2-184);
- 23 (21) a clinical social worker who is licensed under
24 IC 25-23.6-5-2;
- 25 (22) a managed care provider (as defined in IC 12-7-2-127(b));
- 26 (23) a nonprofit health care organization affiliated with a hospital
27 that is owned or operated by a religious order, whose members are
28 members of that religious order;
- 29 (24) a nonprofit health care organization with one (1) or more
30 hospital affiliates; or
- 31 (25) a health care organization that owns or controls, in whole or
32 in part, one (1) or more entities described in subdivisions (1)
33 through (24).
- 34 **(26) A provider organization (as defined in IC 16-18-2-296).**
- 35 SECTION 2. IC 34-30-15-8, AS AMENDED BY P.L.204-2015,
36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2016]: Sec. 8. (a) Communications to, the records of, and
38 determinations of a peer review committee may only be disclosed to:
- 39 (1) the peer review committee of:
- 40 (A) a hospital;
- 41 (B) a nonprofit health care organization (described in
42 IC 34-6-2-117(23));



- 1 (C) a preferred provider organization (including a preferred
 2 provider arrangement or reimbursement agreement under
 3 IC 27-8-11);
 4 (D) a health maintenance organization (as defined in
 5 IC 27-13-1-19) or a limited service health maintenance
 6 organization (as defined in IC 27-13-34-4);
 7 **(E) a provider organization (as defined in IC 16-18-2-296)**
 8 **that is not owned by a hospital that includes the provider's**
 9 **organization's provision of services as part of the hospital's**
 10 **peer review committee review;**
 11 ~~(F)~~ (F) another health facility; or
 12 ~~(G)~~ (G) a medical school located in Indiana of which the
 13 professional health care provider who is the subject of the peer
 14 review is a faculty member;
 15 (2) the disciplinary authority of the professional organization of
 16 which the professional health care provider under question is a
 17 member; or
 18 (3) the appropriate state board of registration and licensure that
 19 the committee considers necessary for recommended disciplinary
 20 action;
 21 and shall otherwise be kept confidential for use only within the scope
 22 of the committee's work, unless the professional health care provider
 23 has filed a prior written waiver of confidentiality with the peer review
 24 committee.
 25 (b) However, if a conflict exists between this section and
 26 IC 27-13-31, the provisions of IC 27-13-31 control.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1264, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1264 as introduced.)

KIRCHHOFER

Committee Vote: Yeas 11, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1264, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert: "SECTION 1. IC 34-6-2-117, AS AMENDED BY P.L.29-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 117. "Professional health care provider", for purposes of IC 34-30-15, means:

- (1) a physician licensed under IC 25-22.5;
- (2) a dentist licensed under IC 25-14;
- (3) a hospital licensed under IC 16-21;
- (4) a podiatrist licensed under IC 25-29;
- (5) a chiropractor licensed under IC 25-10;
- (6) an optometrist licensed under IC 25-24;
- (7) a psychologist licensed under IC 25-33;
- (8) a pharmacist licensed under IC 25-26;
- (9) a health facility licensed under IC 16-28-2;
- (10) a registered or licensed practical nurse licensed under IC 25-23;
- (11) a physical therapist licensed under IC 25-27;
- (12) a home health agency licensed under IC 16-27-1;
- (13) a community mental health center (as defined in IC 12-7-2-38);
- (14) a health care organization whose members, shareholders, subsidiaries, affiliates, or partners are:
 - (A) professional health care providers described in



- subdivisions (1) through (13);
- (B) professional corporations comprised of health care professionals (as defined in IC 23-1.5-1-8); or
- (C) professional health care providers described in subdivisions (1) through (13) and professional corporations comprised of persons described in subdivisions (1) through (13);
- (15) a private psychiatric hospital licensed under IC 12-25;
- (16) a preferred provider organization (including a preferred provider arrangement or reimbursement agreement under IC 27-8-11);
- (17) a health maintenance organization (as defined in IC 27-13-1-19) or a limited service health maintenance organization (as defined in IC 27-13-34-4);
- (18) a respiratory care practitioner licensed under IC 25-34.5;
- (19) an occupational therapist licensed under IC 25-23.5;
- (20) a state institution (as defined in IC 12-7-2-184);
- (21) a clinical social worker who is licensed under IC 25-23.6-5-2;
- (22) a managed care provider (as defined in IC 12-7-2-127(b));
- (23) a nonprofit health care organization affiliated with a hospital that is owned or operated by a religious order, whose members are members of that religious order;
- (24) a nonprofit health care organization with one (1) or more hospital affiliates; or
- (25) a health care organization that owns or controls, in whole or in part, one (1) or more entities described in subdivisions (1) through (24).

(26) A provider organization (as defined in IC 16-18-2-296).

SECTION 2. IC 34-30-15-8, AS AMENDED BY P.L.204-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Communications to, the records of, and determinations of a peer review committee may only be disclosed to:

- (1) the peer review committee of:
- (A) a hospital;
- (B) a nonprofit health care organization (described in IC 34-6-2-117(23));
- (C) a preferred provider organization (including a preferred provider arrangement or reimbursement agreement under IC 27-8-11);
- (D) a health maintenance organization (as defined in IC 27-13-1-19) or a limited service health maintenance



organization (as defined in IC 27-13-34-4);

(E) a provider organization (as defined in IC 16-18-2-296) that is not owned by a hospital that includes the provider's organization's provision of services as part of the hospital's peer review committee review;

~~(E)~~ (F) another health facility; or

~~(F)~~ (G) a medical school located in Indiana of which the professional health care provider who is the subject of the peer review is a faculty member;

(2) the disciplinary authority of the professional organization of which the professional health care provider under question is a member; or

(3) the appropriate state board of registration and licensure that the committee considers necessary for recommended disciplinary action;

and shall otherwise be kept confidential for use only within the scope of the committee's work, unless the professional health care provider has filed a prior written waiver of confidentiality with the peer review committee.

(b) However, if a conflict exists between this section and IC 27-13-31, the provisions of IC 27-13-31 control."

Delete page 2.

and when so amended that said bill do pass.

(Reference is to HB 1264 as printed January 22, 2016.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 10, Nays 0.

